

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

7 VOLUMECCOCOMO APPAREL, INC.,) Case No. 11-4201-SC
8 Plaintiff,)
9 v.) ORDER FOR SUPPLEMENTAL
10) BRIEFING AND ORDER
11) VACATING JUNE 8, 2012
12) HEARING
13 Defendants.)
14)
15 HANJIN SHIPPING CO., LTD.,)
16 Third-Party Plaintiff,)
17 v.)
18 GEMADEPT CORP.,)
19 Third-Party Defendant.)
20)
21 EXPEDITORS INTERNATIONAL OF)
22 WASHINGTON, INC.,)
23 Third-Party Plaintiff,)
24 v.)
25 GEMADEPT CORP.,)
26 Third-Party Defendant.)
27)
28)

1 Now before the Court are two motions for reconsideration and
2 two motions to dismiss, all set for hearing on June 8, 2012. ECF
3 Nos. 42, 47, 49, 51. The Court seeks supplemental briefing on two
4 issues related to whether it may properly exercise personal
5 jurisdiction over third-party defendant Gemadept.

6 The first issue was raised for the first time in Gemadept's
7 response to the motions for reconsideration and, thus, has not yet
8 been addressed by either Expeditors or Hanjin. Specifically,
9 Gemadept argues that the Agreement of Carriage, the contract on
10 which Expeditors and Hanjin's jurisdictional arguments are based,
11 only covers the transportation of cargo between "Singapore, Port
12 Klang, Kaohsiung, Hong Kong and all major Vietnam ports," and does
13 not cover any ports in Cambodia. ECF No. 50 at 2, n.1 (citing
14 Agreement of Carriage § 1.01). Gemadept reasons that the Agreement
15 of Carriage does not apply to this dispute because the cargo at
16 issue was shipped from Cambodia to Vietnam.

17 The second issue relates to Hanjin and Expeditors' argument
18 that section 3(a) of the Hanjin Bill of Lading justifies the
19 exercise of personal jurisdiction since it provides for the
20 resolution of disputes at "the place of receipt of the Goods by the
21 Carrier, or the port of discharge," i.e., Long Beach, California.
22 As Long Beach does not lie within the jurisdictional boundaries of
23 the Northern District of California, it is unclear why section 3(a)
24 would support the exercise of jurisdiction here.

25 Within seven (7) days of this Order, Hanjin, Gemadept, and
26 Expeditors shall each file one brief with the Court addressing the
27 two issues described above. Each brief shall not exceed eight (8)
28 pages in length. No response briefs are required or permitted.

1 The hearing on the motions to dismiss and the motions to
2 reconsider, set for June 8, 2012, is hereby VACATED.
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4 IT IS SO ORDERED.

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6 Dated: June 7, 2012


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10 UNITED STATES DISTRICT JUDGE